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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/921,359

08/02/2001

Brent R. Collyer

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07/28/2009

COOK ALEX LTD

SUITE 2850

200 WEST ADAMS STREET

CHICAGO, IL 60606

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

07/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/921,359	Applicant(s) COLLYER ET AL.	
	Examiner Lan Nguyen	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 7-21 and 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant elected Species A, figures 3 and 4, for examination in the Reply dated 7/30/04. Claims 7, 26 and 27-31 are pertaining to the non-elected figure 11 of species E, as stated in the Requirement for Restriction dated 1/27/04. Therefore, claims 7, 26 and 27-31 are withdrawn from examination for pertaining to a non-elected embodiment.

Drawings

2. Figures 1 and 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-6, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 recites the term "generally". This term is deemed to be indefinite because "generally" is not specific and does not particularly point out the structures that are being claimed.
- Claim 1 also recites the terms "it" and "its". These terms are deemed to be indefinite because they do not specifically point out which features they belong to.
- Claim 25 claims "said groove portion of said suspension component extends substantially along the circumferential length of said inner diameter in its entirety." The terms "substantially" and "its" are indefinite.
- Due to these deficiencies, the claims are being treated as best understood.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolassa (DE 3108701 A1).

Re: claim 1, Kolassa shows a suspension component connection assembly, as in the present invention, comprising: a sleeveless bushing having an elastomeric portion 5 and an inner metal component 3, the elastomeric portion having first and second opposing axial ends and an inner metal component receiving bore extending axially through it, the bore having a generally uniform diameter throughout its length, as shown in figure 5, said elastomeric portion further having a ribbed portion positioned intermediate said first and second axial ends of said elastomeric portion, as shown in figure 5 wherein the elastomer 5 comprises multiple rounded peak ribs, said inner metal component having at least a portion thereof received within said bore of said elastomeric portion, said at least a portion of said inner metal component having a generally uniform diameter corresponding to said generally uniform diameter of said bore of said elastomeric portion; as shown in figure 5, and a suspension component 9 having a bushing receiving bore separate and distinct from said bushing with first and second opposing axial ends, said bushing receiving bore including a groove portion positioned intermediate said first and second axial ends of said suspension component, said ribbed portion of said bushing being adapted to fit within said groove portion of said suspension component, as shown clearly in figure 5.

Re: claims 4 and 6, Kolassa shows a metal sleeve 3 surrounded by said elastomeric portion; and wherein said bushing receiving bore has an inner diameter with a circumferential length and said groove portion of said suspension component extends substantially along the circumferential length of said inner diameter in its entirety, as shown in figure 5.

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7. Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (GB 732,436).

Re: claim 22, Reed shows a suspension component connection assembly, as in the present invention, comprising: a sleeveless bushing having an elastomeric portion 12 with first and second opposing axial ends, said elastomeric portion having a ribbed portion positioned intermediate said first and second axial ends of said elastomeric portion, as shown in figure 6b, said sleeveless bushing further comprising a pin 28 as shown in figure 5b surrounded by said elastomeric portion; and a suspension component 14 as shown in figure 6b having a bushing receiving bore separate and distinct from said bushing with first and second opposing axial ends, said bushing receiving bore including a groove portion positioned intermediate said first and second axial ends of said suspension component, said ribbed portion of said bushing being adapted to fit within said groove portion of said suspension component, as shown clearly in figure 6b.

Re: claims 23-25, Reed shows said suspension component comprises a leaf spring and said bushing receiving bore comprises a leaf spring eye 19 as shown in figure 2b; and wherein said suspension component comprises a shackle assembly, as stated in page 3, line 35; and wherein said bushing receiving bore has an inner diameter with a circumferential length and said groove portion of said suspension component extends substantially along the circumferential length of said inner diameter in its entirety, as shown in figure 6b.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (GB 732,436) in view of Kolassa (DE 3108701 A1).

Re: claim 1, Reed shows a suspension component connection assembly, as in the present invention, comprising: a sleeveless bushing having an elastomeric portion 12 and an inner metal component 11, the elastomeric portion having first and second opposing axial ends and an inner metal component receiving bore extending axially through it, as shown in figure 6b, said elastomeric portion further having a ribbed portion positioned intermediate said first and second axial ends of said elastomeric portion, as shown in figure 6b wherein the elastomer 12 comprises multiple rounded peak ribs, said inner metal component having at least a portion thereof received within said bore of said elastomeric portion, said at least a portion of said inner metal component having a diameter corresponding to said diameter of said bore of said elastomeric portion; as shown in figure 6b, and a suspension component 14 having a bushing receiving bore separate and distinct from said bushing with first and second opposing axial ends, said bushing receiving bore including a groove portion positioned intermediate said first and second axial ends of said suspension component, said ribbed portion of said bushing being adapted to fit within said groove portion of said suspension component, as shown

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clearly in figure 6b. Kolassa is cited to show that in the art of suspension, an inner metal component with a uniform diameter is well known and well practiced as shown in figure 5 of Kolassa wherein the suspension connection assembly comprises a rubber 5 surrounding a uniform diameter inner metal component 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a uniform diameter inner metal component as taught by Kolassa for the suspension connection assembly of Reed since the inner component of Kolassa is well known, well practiced and would not require an extra step in the manufacturing process to fit the inner component into the bushing as shown by Kolassa.

Re: claims 2-6, Reed shows a leaf spring and said bushing receiving bore comprises a leaf spring eye 19 in figure 2b; wherein said suspension component comprises a shackle assembly, as stated in page 3, line 35; a metal sleeve 3 surrounded by said elastomeric portion as modified by Kolassa; a pin 28 surrounded by said elastomeric portion in figure 5 of Reed; and wherein said bushing receiving bore has an inner diameter with a circumferential length and said groove portion of said suspension component extends substantially along the circumferential length of said inner diameter in its entirety, as shown in figure 6b of Reed.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejections are due to Applicant's amendments and newly submitted claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guy and Stuart are cited for other suspension connection assemblies.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/
Primary Examiner
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